

## CHAPTER V

### COMMON COUNCIL

SECTION 5.00. (Legislative authority vested). The legislative authority of the city shall be vested in a common council, which shall be composed of a Councilmember-at-large and one Councilmember from each ward in the city.

SECTION 5.01. (Presiding officer). Subdivision I. The Councilmember-at-large shall be the president of the common council. In case of his or her absence from any meeting of the common council, the councilmember designated in the annual order of succession shall act in his or her place and shall be styled "president pro tem of the common council." While so acting, he or she shall have the same authority as the Councilmember-at-large were he or she present and acting as the president, and his or her acts shall have the same force and validity. (Amended by Ord. No. 4001, approved on Feb. 7, 2011, effective, May 9, 2011)

Subd. 2. The president, or in his absence, the president pro tem shall preside at meetings of the common council. Each Councilmember, including the presiding officer, shall have one vote on all matters.

SECTION 5.02. (Eligibility of members). The common council shall be the judge of the election and eligibility of its members, and, for that purpose, shall have power to send for persons and papers. Its jurisdiction over election contests involving its members shall be concurrent with that of the district court under the law of the state. If a contestant elects to appeal to the common council, the common council's decision shall be final.

SECTION 5.03. (Regular Meeting). One regular meeting of the common council shall be held on the first Monday in each calendar month at a time convenient to the council, at the place where the council usually convenes, unless any such first Monday shall be a legal holiday, in which event, it shall be held at the same hour and place on the day following, or on any other day convenient for the council. (Amended by Ord. No. 2800, approved April 7, 1992, effective July 10, 1992; amended by Ord. No. 2869, approved April 6, 1993, effective July 9, 1993)

SECTION 5.04. (Special meeting). Subdivision 1. The Mayor, Councilmember-at large, or any two Councilmembers may call a special meeting at any time by serving, or causing to be served upon the City Clerk, a written notice thereof, in which the particular object of such special meeting shall be stated. Such notice shall be served at any time before the hour stated in the call. Upon receipt of the call, the City Clerk shall make every reasonable effort to give written and verbal notice of the special meeting to all Councilmembers and the City Administrator. No other business shall be transacted at a special meeting than such as is designated in the call, unless by unanimous consent of all members present. (Amended by Ord. No. 3979, approved on Aug. 2, 2010, effective Nov. 1, 2010)

Subd. 2. In case of the attendance of less than a quorum at any meetings, the members present may adjourn to any special time they may designate, and all business transacted at such

adjourned meeting shall have the same validity as if done at the meeting from which the adjournment was taken.

SECTION 5.05. (Quorum). A majority of the councilmembers shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members under such penalties as may be prescribed by ordinance.

SECTION 5.06. (Council authority). The common council shall have the power to determine the rules of its proceedings, punish its members for cause, and with the concurrence of five-sevenths (5/7ths) of the members elected, expel a member, in the following manner. The common council may, upon its own motion, schedule a public hearing for the purpose of determining whether a councilmember has committed acts that constitute malfeasance or nonfeasance in the performance of the officer's duties. The councilmember who is the subject of such hearing shall be presented with written notice of the alleged charges, the facts upon which such charges are based, and the procedure to be used at this hearing. Following the hearing, the common council shall issue findings of fact and its conclusion as to whether the officer has committed acts constituting malfeasance or nonfeasance in the performance of the officer's duties. If the common council finds that the officer's acts constitute malfeasance or nonfeasance in the performance of the officer's duties, the common council's written findings shall be published and the common council shall call for an election of the voters to determine if the acts constituting malfeasance or nonfeasance constitute sufficient cause for the officer's removal from office. This removal election shall be city-wide if the officer is the Councilmember-at-large, and shall be limited to a particular ward if the officer is a ward councilmember, and shall be held within 56-70 days of the publication of the city council's findings. The officer shall be considered removed and the office vacant if a majority of the votes cast on the question are that the acts of malfeasance or nonfeasance constitute sufficient cause for the officer's removal.  
(Amended by Ordinance #3199 – effective January 8, 1999; Amended by Ord. No. 4020, approved on May 16, 2011; effective August 15, 2011)

SECTION 5.07. (Official Record). The common council shall keep an official record of its proceedings, including ayes and nays when demanded by any member present.  
(Amended by Ord. No. 4022, approved on May 16, 2011, effective August 15, 2011)

SECTION 5.08. (Prohibition). No Councilmember shall be appointed to any office under the authority of the city which shall have been created, or the emoluments of which shall have been increased, during the term for which he was elected.

SECTION 5.09. (Vacancy). Repealed by Ordinance No. 3749, approved Feb. 22, 2006, effective May 20, 2006.